



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

MAR 01 2010

OFFICE OF PETITIONS

SAP / FINNEGAN, HENDERSON LLP
901 NEW YORK AVENUE, NW
WASHINGTON DC 20001-4413

In re Application of: :
Bozak et al. : LETTER REGARDING
Application No. 10/712886 : PATENT TERM ADJUSTMENT
Filing or 371(c) Date: 11/12/2003 :
Atty. Docket No.: 09700.0035-00 :

This letter is in response to the "NOTICE OF POSSIBLE PTO ERROR IN THE DETERMINATION OF PATENT TERM ADJUSTMENT AND REQUEST FOR REVIEW OF CALCULATION," filed October 15, 2009. The Office thanks applicants for their good faith and candor in bringing this to our attention.

The Office has updated the PAIR screen to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is 798 days. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

The Determination of Patent Term Adjustment mailed July 16, 2009 indicated that the above-identified application was entitled to a PTA of 905 days. Applicants believe that there should be a 72 day reduction of patent term adjustment for the Information Disclosure Statement ("IDS"), on February 11, 2009 and a 42 day reduction of patent term adjustment for the IDS filed on July 1, 2009.

As indicated by applicants, the Office neglected to assess a reduction of 72 days in accordance with 37 CFR 1.704(c)(8) in connection with the IDS, filed February 11, 2009. The reduction commenced December 2, 2008, the day after the date that the initial reply was filed, and ended February 11, 2009, the date that the supplemental reply, IDS, was filed.

As further indicated by applicants, the Office neglected to assess a reduction in connection with the IDS filed July 1, 2009. In accordance with 37 CFR 1.704(c)(8), the adjustment of patent term is subject to further reduction of 35 days. The reduction commenced May 28, 2009, the day after the date that the first supplemental reply in response to the non-final Office action was filed, and ended July 1, 2009, the date that the second supplemental reply to the non-final Office action was filed.

In view thereof, the correct determination of patent term adjustment at the time of the mailing of the Notice of Allowance is **798 days**, (912 days of PTO delay, reduced by 114 days (72 days + 7 days + 35 days) of applicant delay), subject to any terminal disclaimer.

Given the basis for granting this petition, no fee has been charged. The Office thanks applicants for their candor and good faith in bringing this matter to the attention of the Office.

The file is being forwarded to the Office of Data Management for processing into a patent. The patent term adjustment indicated on the patent (as shown on the Issue Notification mailed about three weeks prior to patent issuance) will include any additional adjustment accrued both for Office delay in issuing the patent more than four months after payment of the issue fee and satisfaction of all outstanding requirements, and for the Office taking in excess of three years to issue the patent (to the extent that the three-year period does not overlap with periods already accorded).

Telephone inquiries specific to this matter should be directed to Attorney Derek Woods, at (571) 272-3232.

/ALESIA M. BROWN/

Alesia Brown
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

Enclosure: Updated PAIR Screen

Day : Sunday
Date: 2/28/2010

PALM INTRANET

Time: 16:12:22

PTA Calculations for Application: 10/712886

| | | | |
|--------------------------|------------|-------------------------|-----|
| Application Filing Date: | 11/12/2003 | PTO Delay (PTO): | 912 |
| Issue Date of Patent: | | Three Years: | 0 |
| Pre-Issue Petitions: | 0 | Applicant Delay (APPL): | 7 |
| Post-Issue Petitions: | 0 | Total PTA (days): | 798 |
| PTO Delay Adjustment: | -107 | | |

File Contents History

| Number | Date | Contents Description | PTO | APPL | START |
|--------|------------|--|-----|------|-------|
| 111 | 02/28/2010 | ADJUSTMENT OF PTA CALCULATION BY PTO | | 35 | |
| 110 | 02/28/2010 | ADJUSTMENT OF PTA CALCULATION BY PTO | | 72 | |
| 72 | 07/16/2009 | MAIL NOTICE OF ALLOWANCE | | | |
| 71 | 07/15/2009 | ISSUE REVISION COMPLETED | | | |
| 70 | 07/01/2009 | INFORMATION DISCLOSURE STATEMENT CONSIDERED | | | |
| 69 | 07/09/2009 | NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED | | | |
| 68 | 07/09/2009 | DOCUMENT VERIFICATION | | | |
| 67 | 07/09/2009 | ALLOWED CASE RETURNED TO THE EXAMINER FOR CLERICAL PROCESSING | | | |
| 66 | 07/01/2009 | INFORMATION DISCLOSURE STATEMENT (IDS) FILED | | | |
| 65 | 06/25/2009 | NOTICE OF ALLOWABILITY | | | |
| 63 | 05/27/2009 | INFORMATION DISCLOSURE STATEMENT CONSIDERED | | | |
| 62 | 05/27/2009 | REFERENCE CAPTURE ON IDS | | | |
| 61 | 05/27/2009 | INFORMATION DISCLOSURE STATEMENT (IDS) FILED | | 7 | 59 |
| 60 | 06/04/2009 | DATE FORWARDED TO EXAMINER | | | |
| 59 | 05/20/2009 | RESPONSE AFTER NON-FINAL ACTION | | | |
| 58 | 05/27/2009 | INFORMATION DISCLOSURE STATEMENT (IDS) FILED | | | |
| 57 | 05/19/2009 | MAIL EXAMINER INTERVIEW SUMMARY (PTOL - 413) | | | |
| 56 | 05/13/2009 | EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413) | | | |
| 55 | 02/11/2009 | REFERENCE CAPTURE ON IDS | | | |
| | | | | | |

| | | | | | |
|----|------------|--|-----|--|----|
| 54 | 02/11/2009 | INFORMATION DISCLOSURE STATEMENT (IDS) FILED | | | |
| 53 | 03/04/2009 | MAIL NON-FINAL REJECTION | | | |
| 52 | 03/02/2009 | NON-FINAL REJECTION | | | |
| 51 | 02/11/2009 | INFORMATION DISCLOSURE STATEMENT CONSIDERED | | | |
| 50 | 02/11/2009 | INFORMATION DISCLOSURE STATEMENT (IDS) FILED | | | |
| 49 | 12/15/2008 | DATE FORWARDED TO EXAMINER | | | |
| 48 | 12/01/2008 | AMENDMENT SUBMITTED/ENTERED WITH FILING OF CPA/RCE | | | |
| 47 | 12/15/2008 | DATE FORWARDED TO EXAMINER | | | |
| 46 | 12/01/2008 | REQUEST FOR CONTINUED EXAMINATION (RCE) | | | |
| 45 | 12/15/2008 | DISPOSAL FOR A RCE / CPA / R129 | | | |
| 44 | 12/01/2008 | WORKFLOW - REQUEST FOR RCE - BEGIN | | | |
| 43 | 10/03/2008 | MAIL EXAMINER INTERVIEW SUMMARY (PTOL - 413) | | | |
| 42 | 09/24/2008 | EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413) | | | |
| 41 | 09/03/2008 | MAIL FINAL REJECTION (PTOL - 326) | | | |
| 40 | 09/02/2008 | FINAL REJECTION | | | |
| 39 | 06/19/2008 | DATE FORWARDED TO EXAMINER | | | |
| 38 | 06/12/2008 | RESPONSE AFTER NON-FINAL ACTION | | | |
| 37 | 06/11/2008 | MAIL EXAMINER INTERVIEW SUMMARY (PTOL - 413) | | | |
| 36 | 06/04/2008 | EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413) | | | |
| 35 | 03/13/2008 | MAIL NON-FINAL REJECTION | | | |
| 34 | 03/03/2008 | NON-FINAL REJECTION | | | |
| 33 | 02/22/2008 | DATE FORWARDED TO EXAMINER | | | |
| 32 | 02/15/2008 | AMENDMENT AFTER FINAL REJECTION | | | |
| 31 | 11/20/2007 | MAIL FINAL REJECTION (PTOL - 326) | | | |
| 30 | 11/19/2007 | FINAL REJECTION | | | |
| 29 | 10/15/2007 | CASE DOCKETED TO EXAMINER IN GAU | | | |
| 28 | 09/26/2007 | DATE FORWARDED TO EXAMINER | | | |
| 27 | 09/20/2007 | RESPONSE AFTER NON-FINAL ACTION | | | |
| 26 | 09/26/2007 | CORRESPONDENCE ADDRESS CHANGE | | | |
| 25 | 07/23/2007 | CASE DOCKETED TO EXAMINER IN GAU | | | |
| 24 | 07/13/2007 | MAIL NON-FINAL REJECTION | 912 | | -1 |

| | | | | | |
|------|------------|--|--|--|--|
| 23 | 07/09/2007 | NON-FINAL REJECTION | | | |
| 22 | 04/07/2004 | INFORMATION DISCLOSURE STATEMENT CONSIDERED | | | |
| 21 | 06/14/2005 | INFORMATION DISCLOSURE STATEMENT CONSIDERED | | | |
| 20 | 06/26/2007 | CASE DOCKETED TO EXAMINER IN GAU | | | |
| 19 | 04/23/2004 | INFORMATION DISCLOSURE STATEMENT CONSIDERED | | | |
| 18 | 04/23/2004 | INFORMATION DISCLOSURE STATEMENT (IDS) FILED | | | |
| 17 | 01/16/2007 | CASE DOCKETED TO EXAMINER IN GAU | | | |
| 16 | 07/22/2006 | TRANSFER INQUIRY TO GAU | | | |
| 15 | 01/20/2006 | TRANSFER INQUIRY TO GAU | | | |
| 14.7 | 06/14/2005 | INFORMATION DISCLOSURE STATEMENT (IDS) FILED | | | |
| 14 | 06/14/2005 | INFORMATION DISCLOSURE STATEMENT (IDS) FILED | | | |
| 13 | 06/10/2005 | CORRESPONDENCE ADDRESS CHANGE | | | |
| 12 | 06/10/2005 | CHANGE IN POWER OF ATTORNEY (MAY INCLUDE ASSOCIATE POA) | | | |
| 11 | 05/20/2004 | IFW TSS PROCESSING BY TECH CENTER COMPLETE | | | |
| 10.7 | 04/07/2004 | INFORMATION DISCLOSURE STATEMENT (IDS) FILED | | | |
| 10 | 04/07/2004 | INFORMATION DISCLOSURE STATEMENT (IDS) FILED | | | |
| 8 | 02/09/2004 | APPLICATION RETURN FROM OIPE | | | |
| 7 | 02/09/2004 | APPLICATION RETURN TO OIPE | | | |
| 6 | 02/09/2004 | APPLICATION DISPATCHED FROM OIPE | | | |
| 5 | 02/09/2004 | APPLICATION IS NOW COMPLETE | | | |
| 4 | 01/29/2004 | CLEARED BY OIPE CSR | | | |
| 3 | 01/29/2004 | CASE CLASSIFIED BY OIPE | | | |
| 2 | 12/26/2003 | IFW SCAN & PACR AUTO SECURITY REVIEW | | | |
| 1 | 11/12/2003 | INITIAL EXAM TEAM NN | | | |

Search Another: Application#

EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

To go back, right click here and select Back. To go forward, right click here and select Forward. To refresh, right click here